

1155 AVENUE OF THE AMERICAS, NEW YORK, NY 10036-2711

J E N N E R & B L O C K LLP

March 3, 2022

Lee Wolosky
Tel +1 212 891 1628
LWolosky@Jenner.com

The Honorable George B. Daniels
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Terrorist Attacks on September 11, 2001, 03-md-1570 (GBD) (SN)*
Havlish, et al., v. Bin-Laden, et al., No. 03-cv-9848 (GBD) (SN)
Re: Proposed Schedule for the Havlish Plaintiffs' Enforcement Proceeding

Dear Judge Daniels and Magistrate Judge Netburn:

We write on behalf of the Havlish Judgment Creditors (“Havlish Creditors”) in connection with their anticipated motion to compel the Federal Reserve Bank of New York to turn over assets they hold in the name of Da Afghanistan Bank (“FRBNY Assets”).

Pursuant to the Court’s order at the February 22, 2022 hearing, counsel for the Havlish Creditors have met and conferred with counsel for the PECs, including counsel for the Ashton, Burnett, O’Neill, and the Federal Insurer Plaintiffs (collectively, “PEC Plaintiff Groups”), concerning a proposed schedule for the turnover proceedings now that the Court has lifted the stay. The Havlish Creditors believe that any and all issues the PEC Plaintiff Groups intend to raise in response to the Havlish Creditors’ Motion for Turnover should be raised and fully briefed during the approximately four to six weeks it will take for service to be made upon the Taliban and Da Afghanistan Bank (together, the “Afghan Parties”).¹ To that end, the Havlish Creditors propose the following schedule, which was designed in part to avoid conflicts with

¹ The Havlish Creditors propose that the PEC Plaintiff Groups should raise all standing, TRIA, FSIA, and all other state or federal law issues in their responses to the Motion for Turnover. The Havlish Creditors further ask that all issues raised by the PEC Plaintiff Groups be fully heard before the Afghan Parties appear, if in fact they do appear, so that the only issues remaining to be heard in the enforcement proceeding are issues, if any, that may be raised by the Afghan Parties.

March 3, 2022

Page 2

upcoming deadlines associated with expert discovery in the consolidation actions against Saudi Arabia:

1. On or before March 14, 2022, the Havlish Creditors will file their Motion for Turnover. When they file their Motion for Turnover, the Havlish Creditors will also concurrently file a motion seeking leave to serve the motion by publication.

2. Within seven days after the Havlish Creditors file their Motion for Turnover, the PEC Plaintiff Groups shall file responses, if any, to the Motion for Turnover (“PEC Responses”). The PEC Responses shall include any and all issues they contend the Court should consider when ruling on the Motion for Turnover.

3. Within seven days after the PEC Plaintiff Groups file their responses, the Havlish Creditors shall reply to those responses.

As stated during the February 22, 2022 hearing, the Havlish Creditors remain willing to continue to meet and confer with the PEC Plaintiff Groups while the briefing schedule described above is moving forward. Transcript of February 22, 2022 Hearing, p. 31, lines 16-18.

Sincerely,

/s/ Lee S. Wolosky

Lee S. Wolosky
JENNER & BLOCK LLP
1155 Avenue of the Americas
New York, NY 10036
(212) 891-1628
lwolosky@jenner.com

Counsel for Judgment Creditors Fiona Havlish et al.

cc: All counsel of record (by ECF)